

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

No. 3:18-cv-00113-GEC

SOUTHERN ENVIRONMENTAL LAW
CENTER

Plaintiff,

v.

COUNCIL ON ENVIRONMENTAL
QUALITY,

Defendant.

**MOTION FOR
SUMMARY JUDGMENT**

Pursuant to Fed. R. Div. P. 56, Plaintiff the Southern Environmental Law Center (“SELC”) respectfully moves for summary judgment on all claims for relief in SELC’s Complaint, and against Defendant Council on Environmental Quality (“CEQ”). For the reasons set forth in detail in the accompanying Memorandum in Support of this Motion for Summary Judgment, SELC respectfully submits that the undisputed facts establish that CEQ violated the Freedom of Information Act (“FOIA”) by failing to respond timely and fully to a FOIA request and provide the requested documents in an expeditious fashion, and SELC is entitled to judgment as a matter of law.

Specifically, SELC moves for summary judgment on the following claims, as explained in detail in its Memorandum in Support of this Motion:

1. CEQ is violating FOIA by withholding public documents and failing to make them “promptly available.”
2. CEQ has not invoked exceptional circumstances.

THEREFORE, SELC respectfully requests that the Court enter an order granting summary judgment in its favor and against CEQ; and directing CEQ to timely and fully respond to SELC's updated FOIA request submitted September 5, 2018.

Respectfully submitted, this 13th day of December, 2019.

/s/ Kimberley Hunter

Kimberley Hunter – NC Bar No. 41333 (*pro hac vice*)

/s/ Morgan Butler

Morgan Butler– VA Bar No. 70409

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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of December, 2019, I served the foregoing on the party below by electronically filing it with the Clerk of Court on this date using the CM/ECF system, which will sent notification of such filing to, and pursuant to Local Civil Rule 7(g)(3) shall constitute service upon, the following:

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/s/ Kimberley Hunter
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Southern Environmental Law Center